

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CURTIS JAY FRENCH,

CIVIL NO. 15-2337 (MJD/JSM)

Petitioner,

ORDER

v.

MICHELLE SMITH,

Respondent.

The above matter came before the undersigned on the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated May 29, 2015. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner Curtis Jay French's petition for a writ of habeas corpus [Docket No. 1] is hereby **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies.
2. French's application to proceed *in forma pauperis* [Docket No. 2] is **DENIED**.
3. No certificate of appealability shall be issued.

Dated: July 1, 2015

s/Michael J. Davis

Michael J. Davis, Judge
United States District Court